

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02479-BNB

DAVID L. STARR,

Petitioner,

v.

UNITED STATES,

Respondent.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

NOV 20 2008

GREGORY C. LANGHAM  
CLERK

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**ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES**

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Originally, Petitioner David L. Starr submitted a Petition for Writ of Habeas Corpus in *United States v. Starr*, No. 04cr00123-MSK (D. Colo. Aug. 18, 2004). The Petition was ordered stricken, and the Clerk of the Court was instructed to open an appropriate case for addressing the Petition.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the instant Petition should be considered as filed pursuant to 28 U.S.C. § 2241. The submitted document, however, is deficient as described in this Order. Petitioner will be directed to cure the following if he wishes to pursue his claims. Any papers which Petitioner files in response to this Order must include the civil action number on this Order.

**28 U.S.C. § 1915 Motion and Affidavit:**

- (1) XX is not submitted
- (2) \_\_\_ is missing affidavit
- (3) \_\_\_ is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (4) \_\_\_ is missing required financial information

- (5) \_\_\_ is missing an original signature by the prisoner
- (6) \_\_\_ is not on proper form (must use the court's current form)
- (7) \_\_\_ names in caption do not match names in caption of complaint, petition or habeas application
- (8) \_\_\_ An original and a copy have not been received by the court.  
Only an original has been received.
- (9) \_\_\_ other \_\_\_\_\_

**Complaint, Petition or Application:**

- (10) \_\_\_ is not submitted
- (11) XX is not on proper form (must use the Court's current form)
- (12) \_\_\_ is missing an original signature by the prisoner
- (13) \_\_\_ is missing page nos. \_\_\_
- (14) \_\_\_ uses et al. instead of listing all parties in caption
- (15) \_\_\_ An original and a copy have not been received by the Court. Only an original has been received.
- (16) \_\_\_ Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17) \_\_\_ names in caption do not match names in text
- (18) \_\_\_ other \_\_\_\_\_

Accordingly, it is

ORDERED that Petitioner cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Petitioner files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Petitioner, together with a copy of this Order, two copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action; Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that, if Petitioner fails to cure the designated deficiencies **within thirty days from the date of this Order**, the Petition and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED November 20, 2008, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 08-cv-02479-BNB

David L. Starr  
Denver County Jail  
P.O. Box 1108  
Denver, CO 80201

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 forms** to the above-named individuals on 11/20/08

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk